

contacted with ozone early in its advance through the passageway];  
and

- b. the liquid passageway includes ozone and liquid mixing and a liquid flow configuration that ensures purifying contact of the liquid with ozone before the liquid reaches the dispensing outlet.

## REMARKS

The applicant thanks the examiner for the allowance of claims 21-38 and the recognition of allowable matter in claims 2-4, 10, 14-16, 19, 40-42, 46, 51-53, and 56. The examiner has rejected the remaining claims. By the amendments to claims 1 and 39 described in section A, below, and the discussion of the bases for rejection in the light of these amendments that follows in section B, below, the applicant believes the examiner will see that all claims in the application are now allowable over the prior art of record.

### A. Discussion of Amendments

In the amendments to claims 1 and 39 set forth above, the applicant has sought to define the structure of the upflow chamber in terms of (i) the fluid flow rate produced by the pump (a certain volumetric liquid flow rate being characteristic/ inherent to any pump/passageway combination) in combination with (ii) the rate at which fluid rises in the flow chamber. In other words, the upflow chamber is "sized and shaped" so that the pump fills it up (i.e.-its liquid level rises) at a rate slower than bubbles rise in the liquid.

These changes do not introduce new matter. First (1), a pump pumping fluid through a passageway will do so at some volumetric rate. This is inherent in any pump/ passageway combination. Thus, to state this does not introduce new matter. Second (2), the reason fluid is rising at all in the upflow chamber is, according to the application, because it is being pumped into the upflow chamber by the pump. Thus, a statement of this fact in the claims also introduces no new matter. Third (3), the rate of fluid rise in a chamber being filled by a pump is going to be dictated by the size and shape of the chamber and the volumetric rate of the pump-e.g.-the rate of rise of water in a bucket is going to depend on the size and shape of the bucket and the rate of flow from a pump (or hose) into the bucket. This is inherent in any configuration of this type, where the passageway for the fluid includes a chamber to

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be filled. Thus, to state this in the claims, once again, does not introduce new matter. Fourth (4), the application states that the size and shape of the upflow chamber produce a fluid rise rate in the upflow chamber that is slower than the rise rate of bubbles entrained in that fluid. There is no new matter here. Thus, I have amended claims 1 and 39, based on the disclosure and features inherent in the configuration to make the connection between (1) and (4) more clear-i.e.-the upflow chamber structure is such that (1) plus that structure = (4).

## **B. Discussion of Rejections**

The examiner has rejected claims 1, 5, 8, 9, 11-13, 17, 18, 39, 43-45, 47-50, 54, and 55 under 35 U.S.C. § 103 as being unpatentable over Burris '993 in view of Barnes '016. The examiner also rejected claims 6 and 7 under 35 U.S.C. § 103 as being unpatentable over Burris '993 in view of Barnes '016 as applied to claim 1 and further in view of Uban *et al.* '488. Finally, the examiner rejected claims 20 and 57 under 35 U.S.C. § 103 as being unpatentable over Burris '993 in view of Barnes '016 as applied to claims 1 and 39 and further in view of Norris '261. The examiner has adopted as his reasoning for all of these rejections, the "reasons given in the previous office action, paper number 9".

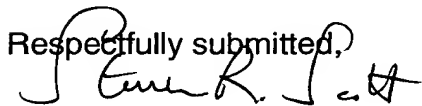
The applicant hereby incorporates by reference, as his first response to said rejections, the responses given to these same rejections and arguments in his Amendment after Final Rejection given a filing date of August 23, 2000, in this Continued Prosecution Application ("CPA"). As a second response to said rejection, the applicant has amended claims 1 and 39 of the application. These claims now set forth and define the structure of the "upflow" chamber in a more detailed and concise manner. In light of the arguments set forth in applicant's filing of August 23, 2000, and the amendments to claims 1 and 39, it should now be apparent that Burris '993 and Barnes '016 do not disclose or suggest, alone or combined, the limitations of the base claims (claim 1 and claim 39) rejected. In view of this fact, these claims as well as all claims depending from these claims, are now allowable over the prior art of record.

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In view of the above, the applicant submits that claims 1, 5-9, 11-18, 20, 39, 43-45, 47-55, 57, and 58, and in fact all of the claims, are now allowable over the prior art. The applicant requests reconsideration and withdrawal of the rejections and objections. Should the examiner have any questions, comments, or suggestions, he is invited to call applicant's representative at the number below.

Respectfully submitted,




Steven R. Scott, Reg. No. 32,000  
Eugene Stephens & Associates  
56 Windsor Street  
Rochester, New York 14605  
VOX: 716-232-7700x309  
FAX: 716-232-7188  
E-Mail: srscott@rochester.rr.com

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